

Form 213

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David P Balaski
aka Conneaut Lake Boat Doctor, dba Conneaut Lake Boat
Doctor
Debtor(s)

Bankruptcy Case No.: 16-10962-TPA
Related to Docket No. 60
Chapter: 13
Docket No.: 46 - 45
Concil. Conf.: January 8, 2019 at 10:00 AM

ORDER

WHEREAS, the Trustee filed and served a *Certificate of Default Requesting Dismissal of Case*, alleging that the Debtor(s) failed to make regular plan payments and are in material default under the plan,

IT IS HEREBY ORDERED that, on or before **November 26, 2018**, Debtor(s) must file *Documentary Proof of Payment* according to the accompanying *Instructions*, together with either:

1. a *Notarized Affidavit or Declaration* under penalty of perjury that states Debtor(s)' current mailing address and includes an explanation of Debtor(s)' failure to comply with the current plan payment and/or a statement setting forth why the Debtor(s) dispute the *Certificate of Default*;

OR

2. a *Notice of Proposed Modification to Confirmed Plan* and an *Amended Plan* to cure the plan defaults. Debtor(s) must make all plan payments in accordance with the *Amended Plan* pending its confirmation. If the Debtor(s) default on such plan payments, and if the Trustee moves for dismissal of this case, the case will be **DISMISSED**, without further notice or hearing.

IT IS FURTHER ORDERED that, if the Debtor(s) elect to file an *Amended Plan*, the Debtor(s) must immediately serve a copy of the *Notice of Proposed Modification to Confirmed Plan*, the *Amended Plan*, and the *Documentary Proof of Payment* on the Chapter 13 Trustee and all parties on the mailing matrix and file a *Certificate of Service* with the Clerk.

On or before **December 10, 2018**, if the Debtor(s) elect to file an *Amended Plan*, all *Objections* must be filed and served on the Debtor(s), Chapter 13 Trustee and any creditor whose claim is the subject of the *Objection*. Any creditor who files a timely *Objection* must appear at the scheduled Conciliation Conference. Untimely *Objections* will not be considered.

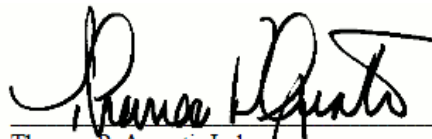
On **January 8, 2019 at 10:00 AM** a Conciliation Conference (on plan defaults or the *Amended Plan*) will occur with the Chapter 13 Trustee at Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.

If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.

This case will be **DISMISSED WITHOUT PREJUDICE** and no hearing or conference shall take place, unless the Debtor(s) comply fully with this *Order* by filing and serving all of the required items.

Dated: October 10, 2018

cm: All Creditors and Parties In Interest


Thomas P. Agresti, Judge
United States Bankruptcy Court

INSTRUCTIONS FOR DOCUMENTARY PROOF OF PAYMENT

In response to the Trustee's *Certificate of Default Requesting Dismissal of Case*, Debtor(s) must file *Documentary Proof of Payment* that at least one full plan payment has been submitted to the Trustee since the Trustee filed and served the *Certificate of Default*.

The *Documentary Proof of Payment* must include a copy of a money order, cashier's check, earnings statement(s) or pay stub(s) showing payroll or benefit deduction(s) used to make the plan payment.

The *Documentary Proof of Payment* must also include a copy of the Trustee's printout of the Debtor(s)' payment history of receipts (available on the Trustee's website) indicating the amounts and dates of payments received by the Trustee.

Debtor(s)' case name and bankruptcy case number must be included on the payment.

The plan payment must be sent to the Chapter 13 Trustee's lock box bank account addressed to:

Ronda J. Winnecour, Trustee
P.O. Box 84051
Chicago, IL 60689-4002

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David P Balaski
 Debtor

Case No. 16-10962-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: lmar
 Form ID: 213

Page 1 of 1
 Total Noticed: 8

Date Rcvd: Oct 10, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 12, 2018.

db +David P Balaski, 3669 Atlantic Lake Rd, Atlantic, PA 16111-1223
 14368081 Bayview Loan Servicing, LLC, Bankruptcy Department, P.O. Box 840, Buffalo, NY 14240-0840
 14301048 Diagnostic Imaging Consultants, PO Box 73985, Cleveland, OH 44193-0002
 14301050 Transworld Systems, Inc., PA Liberty Street ER Physicians LLC, 150 Crosspoint Parkway,
 Getzville, PA 15068

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/Text: camanagement@mtb.com Oct 11 2018 03:19:44 M&T Bank, POBox 840,
 Buffalo, NY 14240
 14397335 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 11 2018 03:37:04
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14344639 +E-mail/Text: bankruptcy@cvps.com Oct 11 2018 03:21:02 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14301049 E-mail/Text: camanagement@mtb.com Oct 11 2018 03:19:44 M&T Bank, P.O Box 1288,
 Buffalo, NY 14240-1288

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bayview Loan Servicing, LLC

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 12, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 10, 2018 at the address(es) listed below:

Christopher M. McMonagle on behalf of Creditor M&T Bank cmcmonagle@sterneisenberg.com,
 bkecf@sterneisenberg.com
 James Warmbrodt on behalf of Creditor M&T Bank bkgroup@kmlawgroup.com
 John E. Nagurney on behalf of Debtor David P Balaski courtnagurney@zoominternet.net
 Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5